

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Implementation of the Local) CC Docket No. 96-98
Competition Provisions in)
the Telecommunications Act)
of 1996)
)
)

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COMMENTS OF THE
CELLULAR TELECOMMUNICATIONS INDUSTRY ASSOCIATION

The Cellular Telecommunications Industry Association
("CTIA")¹ hereby submits its Comments in the above-
captioned proceeding.²

I. Introduction and Summary

CTIA supports the Commission's tentative conclusion
that its North American Numbering Plan ("NANP") decision³
satisfies the requirement of section 251(e)(1) of the
Telecommunications Act of 1996 ("the Act") that the

¹ CTIA is the international organization of the wireless
communications industry for both wireless carriers and
manufacturers. Membership in the association covers all
Commercial Mobile Radio Service ("CMRS") providers,
including cellular, personal communications services,
enhanced specialized mobile radio, and mobile satellite
services.

² Implementation of the Local Competition Provisions in
the Telecommunications Act of 1996, Notice of Proposed Rule
Making in CC Docket 96-98, FCC 96-182 (released April 19,
1996) ("Notice").

³ See Administration of the North American Numbering
Plan, CC Docket No. 92-237, Report and Order, FCC 95-283
(rel. July 13, 1995) (NANP Order) (recon. pending).

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Commission designate an impartial number administrator. However, the North American Numbering Council ("NANC") established by the *NANP Order* has not yet met, even though the timeline established by the Commission required it do so not later than October of 1995. While the Commission may have satisfied the letter of section 251(e)(1) of the Act, until the NANC actually is established and has begun to function, the spirit and purpose of the Act remain unmet.

While CTIA supports the need for continuity in number administration, the status quo is a vestige of the monopoly era. CTIA therefore opposes the Commission's proposal for an indefinite delegation of authority to Bellcore, the LECs, and the states to continue performing each of their functions related to administration of numbers as they existed prior to enactment of the Act. The far better course is for the Commission to immediately establish the NANC, and transfer all appropriate number administration functions to this new and neutral entity as contemplated by the *NANP Order*.

CTIA also supports the Commission's tentative conclusion that the *Ameritech Order*⁴ should continue to

⁴ *Proposed 708 Relief Plan and 630 Numbering Plan Area Code by Ameritech - Illinois, Declaratory Ruling and Order, 10 FCC Rcd 4596 (1995) (Ameritech Order) (recon. pending).*

guide the states in the implementation of new area codes and the determination of area code boundaries, and that the FCC should delegate these matters to the states so long as they act consistently with the Commission's numbering administration guidelines. CTIA, however, continues to believe that the Commission retains plenary jurisdiction over numbering issues,⁵ and believes that the statutory language of section 251(e)(1) of the Act has removed all doubt that may have existed as to the Commission's exclusive jurisdiction over numbering matters in the United States.

Finally, CTIA agrees that there is no need for the Commission to take further action beyond its previous determination that the cost for numbering administration must be borne by all telecommunications carriers on a competitively neutral basis.

II. A New Administrator Unaligned With Any Particular Class of Service Provider Must Be Appointed Immediately To Ensure Competition Develops To Its Fullest Potential

CTIA fully supports the Commission's tentative conclusion to reaffirm its decision in the NANP Order that the functions associated with NANP administration should be

⁵ See Reply Comments of the Cellular Telecommunications Industry Association on Comcast Corporation's Petition for Clarification, IAD File No. 94-102 (March 15, 1995).

transferred to a new administrator that is unaligned with any particular segment of the telecommunications industry.

The administration of the NANP is of great competitive importance to all segments of the telecommunications industry. To ensure competition develops as envisioned by the Act, the Commission must promptly assign responsibility for the administration and assignment of scarce numbering resources to the new NANC.

Despite its importance, the timeline established in the *NANP Order* for the implementation of independent NANP administration has not been met. The NANC has not yet met, even though the *NANP Order* required it to do so in October of 1995. Until the NANC is convened, contentious numbering issues will either go unresolved, leading to additional pressure on already burdened numbering resources, or these issues will be resolved by the remnant of a monopoly era system that both Congress and the Commission have recognized is inappropriate for the development of a competitive telecommunications industry.

While CTIA supports the need for continuity in number administration, CTIA opposes the Commission's proposal for an indefinite delegation of authority to Bellcore, the LECs, and the states to continue performing each of their functions related to the administration of numbers as they

existed prior to enactment of the Act. CTIA remains concerned about the appearance of LEC dominance and discrimination in the assignment and administration of scarce numbering resources.

As CTIA previously has noted, in an area of such competitive significance, the mere perception of undue influence by a single industry segment is enough to erode confidence in the numbering body and generate controversy. Rather than permit the NANC timeline to slip further, the Commission should establish the NANC and transfer all appropriate number administration functions to this new and neutral body.

II. The Commission Has The Authority To Delegate Authority On Numbering Issues So Long As The States Act Consistently With Federal Guidelines.

CTIA supports the Commission's tentative conclusion that the *Ameritech Order* should continue to guide the states in the implementation of new area codes and the determination of area code boundaries, and that the FCC should delegate these matters to the states so long as they act consistently with the Commission's numbering administration guidelines. CTIA, however, continues to believe that the Commission retains plenary jurisdiction over numbering issues, and that the clear statutory language of section 251(e)(1) of the Act has removed all doubt that

may have existed as to the Commission's exclusive jurisdiction over numbering matters in the United States.⁶

CTIA supports the Commission's continued role in determining number administration guidelines, and agrees with the proposed jurisdictional balance of authority on numbering issues, so long as the state commissions act consistently with the Commission's guidelines. The *Ameritech Order* requires that the administration of scarce numbering resources should be resolved in an efficient and timely manner, should not unduly favor or disadvantage any particular industry segment, and should be technologically neutral.⁷ By implementing these guidelines to prevent discriminatory and unjust treatment, the Commission will permit all affected parties to develop the most appropriate plan consistent with local needs and federal numbering assignment principles. Therefore, CTIA agrees that the

⁶ The Commission's retention of plenary jurisdiction is of more than semantic importance. As CTIA noted in its Reply Comments on Comcast Corporation's Petition for Clarification, the resolution of conflicts between the FCC's nondiscrimination rules and numbering guidelines and a particular state's laws or policies is needlessly clouded by the Commission's renunciation of its plenary jurisdiction over numbering resources. Section 251(e)(1) of the Act vests in the Commission exclusive jurisdiction. The word "exclusive" fully comports with the dictionary definition of "plenary." See *Black's Law Dictionary*, rev'd Fourth Edition ("full, entire, complete, absolute, perfect, unqualified").

⁷ *Ameritech Order* at 4604.

Ameritech Order should set the standard for the states regarding how new area codes can be lawfully implemented.

III. The Commission Should Have Full Authority To Monitor States' Numbering Plan Implementation To Ensure The Provisions Of The *Ameritech Order* Are Fulfilled.

Section 251(e)(1) of the Act vests the Commission with exclusive jurisdiction over numbering matters in the United States and authorizes the Commission to delegate some or all of that power to state commissions. CTIA believes that the statutory authority to delegate certain matters to the states reinforces the Commission's claim to plenary authority over numbering issues. The retention of such authority is needed should the FCC ever need to challenge a decision of a state commission which, in implementing area code relief, appears to be acting in violation of the guidelines and nondiscrimination rules established by the Commission.

CTIA believes that the Commission, as the agency entrusted by Congress with the responsibility for promoting a national, seamless network of networks, must ensure that numbering issues are resolved fairly and expeditiously so they do not become a barrier to competition. As the Commission has noted, numbering issues require prompt resolution in order to implement a non-discriminatory code relief plan in a timely manner, and to avoid jeopardy

management and NXX code exhaust prior to area code relief. If a complaint is brought to the Commission, it should act promptly and be guided by the principles set forth in the *Ameritech Order*.

Finally, CTIA agrees that the NANC should address the details concerning the recovery of the NANP administrator costs, and that there is no need for the Commission to take further action beyond its previous determination that the cost for numbering administration must be borne by all telecommunications carriers on a competitively neutral basis.

IV. Conclusion

CTIA fully supports the Commission's tentative conclusions on numbering administration issues, but urges the FCC to act immediately to establish the NANC, and to reassert its plenary jurisdiction over the administration and assignment of scarce numbering resources. Until this occurs, the purpose of section 251(e)(1) of the Telecommunications Act of 1996 will remain unfulfilled, and the full benefits of increased telecommunications competition may not be realized.

Respectfully submitted,



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